

**MINUTES
of the
FIRST MEETING
of the
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**June 13, 2013
Room 307, State Capitol
Santa Fe, New Mexico**

The first meeting of the Courts, Corrections and Justice Committee was called to order by Senator Richard C. Martinez, co-chair, on June 13, 2013 at 10:23 a.m. in Room 307 of the State Capitol.

Present

Rep. Gail Chasey, Co-Chair
Sen. Richard C. Martinez, Co-Chair
Rep. Eliseo Lee Alcon
Sen. Linda M. Lopez
Rep. Georgene Louis
Sen. Cisco McSorley
Rep. Jane E. Powdrell-Culbert
Sen. Sander Rue
Sen. Lisa A. Torracco

Advisory Members

Rep. Phillip M. Archuleta
Rep. Brian F. Egolf, Jr.
Rep. Kelly K. Fajardo
Rep. Miguel P. Garcia
Sen. Daniel A. Ivey-Soto
Sen. Bill B. O'Neill
Rep. Paul A. Pacheco

Absent

Sen. Joseph Cervantes
Rep. Zachary J. Cook
Rep. Yvette Herrell
Rep. Emily Kane
Rep. William "Bill" R. Rehm
Rep. Mimi Stewart

Sen. Craig W. Brandt
Rep. Cathrynn N. Brown
Sen. Jacob R. Candelaria
Rep. Antonio "Moe" Maestas
Sen. William H. Payne
Sen. John Pinto
Rep. Patricia Roybal Caballero
Sen. Michael S. Sanchez
Rep. Sheryl Williams Stapleton

Staff

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)
Monica Ewing, Staff Attorney, LCS
Cassandra Jones, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Thursday, June 13

Welcome and Introductions

Members of the committee and staff introduced themselves.

Interim Committee Procedures

John Yaeger, assistant director of legislative affairs, LCS, provided the committee with an overview of interim committee protocols.

Development of Work Plan and Meeting Schedule for the 2013 Interim

Mr. Carver referred the committee to a list of potential work plan items and meeting dates for the 2013 interim. The committee discussed certain of these items and asked for public comment regarding each of the proposed topics. Several members of the committee stressed the importance of ensuring that the committee consider all sides of an issue. The committee directed staff to write a letter to the secretary of corrections requesting that legislators be issued an open invitation to all of New Mexico's prisons unannounced for the duration of the interim.

The following potential work plan items were discussed:

1. *Use of solitary confinement in New Mexico prisons and jails.*
Steve Allen with the American Civil Liberties Union of New Mexico expressed his appreciation for the committee's interest in this issue. He told the committee that the Vera Institute of Justice has been working with the Corrections Department (CD) to look at solitary confinement in New Mexico. He expressed his interest in hearing an update regarding the issue from the CD, the Vera Institute of Justice and the New Mexico Center on Law and Poverty.
2. *Voter registration and the Electronic Registration Information Center, a multistate registration database.*
Senator Ivey-Soto asked the committee to consider looking at the integrity of New Mexico's voter registration database. Members of the committee stated that Bernalillo County had also expressed an interest in this issue.
3. *Examination of possible legislative responses to bullying.*
Mr. Carver told the committee that this work plan item was proposed by committee members in response to bills regarding the same issue that failed to pass during the 2013 session. The Healthy Workplace Campaign has approached committee members regarding the issue.

4. *Federal Prison Rape Elimination Act of 2003 (PREA) compliance.*
Mr. Carver told the committee that the PREA was passed by Congress several years ago and that federal regulations had been approved within the last year. Paul Gutierrez, executive director of the New Mexico Association of Counties (NMAC), told the committee that the NMAC is currently in the process of setting jail standards. It is working to accredit each of the county jails in New Mexico. Mr. Gutierrez expressed interest in briefing the committee more fully regarding this issue at a later meeting date. Dave Schmidt, representing the Council on Crime and Delinquency, reminded the committee that the PREA also affects juvenile facilities.
5. *Termination of parental rights for a child conceived through rape (revisiting HJC/HB 38/508, 2013 session).*
6. *Discussion with the Office of the Attorney General (OAG) concerning double-jeopardy problems posed by the Forfeiture Act and similar laws.*
Mr. Carver told the committee that during legislative sessions the OAG often submits fiscal impact reports that indicate that the Forfeiture Act and similar laws have a double-jeopardy problem. He suggested that it might be helpful for the OAG to explain these references to the committee. Dave Schmidt, representing the Drug Policy Alliance, told the committee that the Forfeiture Act should be reexamined for drug laws and alcohol and substance abuses.
7. *Tax status of private prison companies.*
8. *Pew-MacArthur Results First Initiative, New Mexico Results First model, the cost of the criminal justice system, alternative response to abuse and neglect cases and Legislative Finance Committee (LFC) program evaluations.*
Members of the committee stated that they had attended presentations by the Pew-MacArthur Results First Initiative and recommended that the committee take the time to pursue the issue further. Tony Ortiz with the New Mexico Sentencing Commission (NMSC) told the committee that the NMSC has been working with the Pew-MacArthur Results First Initiative and the LFC on these issues. The NMSC collects and analyzes a lot of the data that is necessary for this model. He told the committee that he would like the opportunity to present to the committee regarding the Pew-MacArthur Results First Initiative as well as the opportunity to request an expansion to the NMSC budget in order to be able to allocate resources for this purpose in the future. Members of the committee expressed support for the idea and requested that the NMSC be added to the work plan.
9. *Examination of issues surrounding juvenile justice.*
10. *Transition of the Public Defender Department to an independent agency.*

11. *Examination of issues surrounding illegal drugs and the criminal justice system.*
Members of the committee suggested that the committee hear presentations from the Drug Policy Alliance and the Right On Crime group.
12. *Statutory fixes to requirements for liens.*
13. *Prostitution and human trafficking.*
14. *Incarcerated women, including health services for imprisoned women, especially for pregnancy, and services for women with trauma.*
Kathy Ansheles, representing the New Mexico Women's Justice Project, told the committee that the committee should consider overcrowding in the New Mexico women's prison. Mr. Ortiz told the committee that the NMSC has collected a lot of data regarding the female population in the CD. The committee discussed other related issues such as in-house parole. Members of the committee requested that an additional item relating to probation and parole be put on the work plan.
15. *The NMAC, including presentations on reforms that county jails are implementing and an update on the HJM 17 (2011) task force regarding mental health issues and law enforcement/detention centers.*
Tasia Young with the NMAC requested that the NMAC be given time to present to the committee several of its initiatives. Members of the committee discussed the housing of state prisoners in county jails.
16. *Background checks for firearms purchases.*
17. *Restorative justice — increase in funding.*
Debra Oliver and Mary Ellen Gonzales with Common Ground and Restorative Justice told the committee that they have been contracting with the Children, Youth and Families Department (CYFD) to provide services since 2008. They requested that the committee allow them to present at a later date regarding their program and the possibility of increased funding.
18. *Authority of county jail administrators to conduct classification of inmates.*
19. *Payment of restitution after a crime.*
Members of the committee stated that often, after someone is released from jail or prison, the court-mandated restitution goes unpaid. They suggested that the committee look at the issue.
20. *Changes needed to the Children's Code and other CYFD matters.*
21. *Prison overcrowding and more effective use of prisons.*

22. *Overview of county misdemeanor compliance programs.*

23. *Alternative methods of handling security bonds.*

Members of the committee agreed to proceed with the proposed work plan items and requested that additional items be added to the work plan. The committee requested these additional items:

- Theft of merchandise shells and pallets.
- Updates from the NMSC and consideration of augmentation of the commission's budget.
- Discussion of whether there is a need for restructuring or changing the probation and parole system in New Mexico.
- Possibility of creating a School for Public Health at the University of New Mexico.
- Discussion of the appeals process in civil cases and examination of whether there is a need for reforms or streamlining.
- School boards and resolution of small-dollar litigation.
- Review of the scope of practice in regulated professions.
- Discussions of tribal jurisdiction and awarding of full faith and credit to judicial decisions.
- Cross-deputization agreements with tribal and pueblo police forces.
- Police shootings and possible legislative responses.
- Prisoner rights in the state's penal system.
- Discussion of indeterminate periods of parole for people convicted of sex offenses.
- Issues surrounding the reliability and use of eyewitness identification.

The members of the committee also discussed locations for the committee to visit during the interim, deciding upon the following schedule:

June 13	Santa Fe
July 22-23	Albuquerque
August 22-23	State Capitol
September 16-17	Las Cruces
October 21-22	Grants and the Pueblo of Acoma
November 21-22	State Capitol

Adjournment

There being no further business before the committee, the first meeting of the Courts, Corrections and Justice Committee adjourned at 12:47 p.m.

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